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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF:

Kazutami MITANI, et al.

SERIAL NO: 10/742,898

GROUP: 1732

FILED: December 23, 2003

EXAMINER:

FOR: PREFORM FOR COMPOSITE MATERIAL AND COMPOSITE MATERIAL

**LETTER**

Mail Stop DD  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Japanese Office Action for the Examiner's consideration. The reference(s) cited therein have been previously filed on December 23, 2003.


Respectfully Submitted,

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## NOTICE OF REASONS FOR REJECTION

**Application Number:** 2000-610671  
**Drafting Date:** 2004/02/03 (year/month/day)  
**Examiner:** Yasuyuki Kawabata 9156 4S00  
**Attorney:** Masatake SHIGA et al.  
**Cited Articles:** Article 29, Paragraph 1  
Article 29, Paragraph 2  
Article 37

**This application should be rejected for the reason(s) laid forth below. If the applicant wishes to comment thereon, the applicant is invited to submit a response within sixty days from the mailing date of this notice.**

### REASON(S)

1. The invention(s) according to the below-listed claim(s) of the present application was (were) disclosed in the below-listed publication(s), distributed in Japan or abroad prior to the filing date of the present application, and is (are) therefore deemed to be unpatentable under the provisions of Japanese Patent Law, Article 29, Paragraph 1, Number 3.
2. The invention(s) according to the below-listed claim(s) of the present application could have been easily made prior to the filing date by a person with average knowledge in the field to which the invention(s) belongs based on the invention(s) disclosed in the below-listed publication(s), distributed in Japan or abroad prior to the filing date of this application, and is (are) therefore deemed to be unpatentable under the provisions of Japanese Patent Law, Article 29, Paragraph 2.
3. The present application is not deemed to meet requirements in compliance with the provisions of Japanese Patent Law, Article 37 in the following points.

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## EXAMINER'S COMMENTS

<Reasons 1 and 2>

Claims 1 to 8

List of Citations:

1. Japanese Unexamined Patent Application, First Publication No. Sho 63-203844

2. Japanese Examined Patent Application, Second Publication No. Hei 6-501654

Note: Both “a path supporting flow of resin during injection” (claim 1), disclosed in citation 1, and a spacer layer, disclosed in citation 2, correspond to “a layer having spaces so that flow of liquid resin to be injected for molding the composite material is uninhibited” as disclosed in the present invention.

<Reason 3>

“A preform for a composite material, comprising layers of laminated structure composed of reinforcing material formed of reinforcement fiber and a layer provided between the layers” disclosed in claims 1 and 4 is known as disclosed in citations 1 and 2. Since the preform “is made of thermoplastic resin and has spaces so that flow of liquid resin to be injected for molding the composite material is uninhibited” disclosed in claim 1 completely differs from “thermoplastic resin threads are adhered or woven approximately parallel to each other on a surface of the reinforcing material” disclosed in claim 4, the invention according to claim 1 and the main portion of the invention according to claim 4 are not deemed to be the same. Therefore, the relationship between the invention according to claim 1 and the invention according to claim 4 is not a relationship under the provisions of Japanese Patent Law, Article 37, Numbers 3 to 5.

Furthermore, since only a specific matter that “thermoplastic resin threads are adhered or woven approximately parallel to each other on a surface of the reinforcing material” disclosed in claim 4 would not always solve a problem that flow of liquid resin is uninhibited, problems to be solved in the invention according to claim 1 and the invention according to claim 4 are not deemed to be the same. Therefore, the inventions are not related the provisions of Japanese Patent Law, Article 37, Number 1.

In addition, in the viewpoint of a category, the relationship between the invention according to claim 1 and the invention according to claim 4 does not fall under the provisions of Japanese Patent Law, Article 37, Numbers 3 to 5.

The part quoted from claim 4 in claim 5 according to claim 4 and claims 6-8 is similarly judged.

Since the present application is not deemed to meet requirements in compliance with the provisions of Japanese Patent Law, Article 37, inventions according to claims except claims 1-3, and 5-8 are not completely examined with regard to provisions of novelty and inventive step (unobviousness).

### **RECORD OF PRIOR ART SEARCH**

Searched Technical Fields: IPC 7th Version B32B1/00-35/00

Prior Art Reference(s): None

This record of the prior art search does not constitute the reasons for rejection.